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6 **UNITED STATES DISTRICT COURT**
7 **FOR THE WESTERN DISTRICT OF WASHINGTON**

8 **In re:**

9 GONZALO CRISTIAN MONTECINO
10 MADARIAGA,

11 Petitioner,

12 and

13 PAULA ANDREA ORREGO PIZARRO,

14 Respondent.

NO. C09-5398 FDB

**ORDER ON PETITIONER'S
MOTION TO REMAND**

15 THIS MATTER came before the Court on the Petitioner's motion to remand. The
16 Court has considered that motion and all supporting documents, the opposition of the
17 respondent, and the files and records of the case. Now, therefore, the court finding itself
18 fully advised, it is hereby:

19 ORDERED that the Petitioner's motion is GRANTED in part and DENIED in
20 part. By stipulation of the Petitioner, the Petitioner's cause of action under the Hague
21 Convention on the Civil Aspects of International Child Abduction is hereby
22 DISMISSED.

23 IT IS FURTHER ORDERED that the above case is otherwise remanded to the
24 state court for further proceedings under Chapter 26.09 RCW. The petitioner has
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1 asserted no federal claims beyond the Petitioner's Hague Convention action, now
2 dismissed, and his remaining state court claims are properly heard by the state court.

3 IT IS FURTHER ORDERED that the Petitioner's request for fees herein is
4 DENIED. The Respondent's removal of the Petitioner's federal claims was proper.

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6 DATED, this 25th day of August, 2009.

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11 FRANKLIN D. BURGESS
12 UNITED STATES DISTRICT JUDGE
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